

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED

JAN 18 2006

Michael N. Milby, Clerk of Court

UNITED STATES OF AMERICA

Plaintiff,

v.

\$107,096.00 (ONE HUNDRED
SEVEN THOUSAND, NINETY-
SIX DOLLARS) IN UNITED
STATES CURRENCY

Defendant.

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CIVIL ACTION NO. H-

H-06-0194

COMPLAINT FOR FORFEITURE IN REM

The United States of America, Plaintiff, alleges on information and belief that:

1. This is a civil action in rem brought to enforce the provisions of:

a. 18 U.S.C. § 981(a), which provides for the forfeiture of any property, including money, involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956, 1957 or 1960, or any property traceable to such property.

In addition, proceeds of specified unlawful activity are specifically subject to forfeiture under applicable statutes, including 18 U.S.C. § 1956(a)(1)(B)(ii), which provides for the forfeiture of proceeds obtained from a transaction designed in whole or in part to avoid a transaction reporting requirement under state or federal law.

b. 31 U.S.C. § 5317(c), which provides for the forfeiture of any property

involved in a violation of 31 U.S.C. §§ 5313, 5316, or 5324, or any conspiracy to commit any such violation, and any property traceable to any such violation or conspiracy; and

c. 18 U.S.C. § 984, which provides for the forfeiture of fungible property, including cash, found in the same place as the property involved in the offense, when the action is commenced within one year as more fully set out in Section 984.

Jurisdiction and Venue

2. This Court has jurisdiction under 28 U.S.C. §§ 1345 and 1355. The defendant money will remain within the jurisdiction of this Court during the pendency of this action. Venue is proper in the Southern District of Texas under 28 U.S.C. §§ 1391 and 1395.

Defendant Property

3. The defendant money consists of \$107,096.00 in United States currency (hereinafter “defendant property”) which was seized during the execution of a search warrant at RM Global, Inc., d/b/a International Money Transfer (hereinafter “IMT”), in Houston, Texas.

Factual Basis for Forfeiture

4. Rahman Moton a/k/a Rehman Moton (hereinafter “Moton”) is the owner and

operator of IMT which has its principal place of business at the premises located in a strip-mall at 5636 Hillcroft, Houston, Texas.

5. IMT is a Texas licensed money remitter. Moton applied for the license with the State of Texas on or about December 31, 2003. As part of the application, Moton signed an oath of license by which Moton agreed "to comply with the currency reporting and record-keeping requirements of 31 U.S.C., Section 5313, 31 C.F.R. Part 103, and other relevant state and federal law."

6. On or about April 9, 2003, February 29, 2004, and March 8, 2005, Moton signed a Texas Department of Banking Renewal Form for Currency Exchange, Transportation or Transmission License. The renewal form has the same oath of license as the original license application and lists a statement confirming compliance with Section 153.102 of the Texas Finance Code. As a currency transmitter, IMT is subject to certain reporting and record keeping requirements for transactions of \$3,000.00 and greater.

7. IMT is a financial institution which must be registered with the Financial Crime Enforcement Network (FinCEN) under 31 U.S.C. § 5312(a)(2)(R). IMT is required to file Currency Transaction Reports (CTRs) for cash transactions in amounts greater than \$10,000.00. Based on documents obtained from the business operations of IMT, IMT received in excess of approximately \$12,502,963 during the

period from about January 20, 2005, through August 10, 2005. During that same period, neither Moton nor anyone on behalf of IMT filed a CTR as required by law.

8. Documents recovered from Moton's residence included tiny slips of paper which Moton attempted to hide in the furniture. The slips of paper contain the dates of transactions conducted by IMT from July 27, 2005 through August 9, 2005; amounts of currency involved in the transactions; and names and telephone numbers of persons associated with transactions. The amounts listed on the documents total approximately \$256,427.00. Law enforcement agents attempted to contact the persons listed on the slips of paper in order to verify the information appearing on the slips of paper. The majority of the telephone numbers listed on the slips of paper had been disconnected or did not belong to the person named on the slips of paper. Many of the addresses listed on the slips of paper either did not exist or were abandoned property. Some of the individuals listed on the slips of paper had left the residence listed on the slips of paper over one year prior to the alleged transaction. Several individuals who were contacted confirmed that the information contained on the slips of paper was false in that they did not send currency on the dates or to the locations listed on the slips of paper which bore their name as the sender.

9. The pattern of Moton and IMT's unlawful activities are further evidenced by a series of money transactions from on or about July 13, 2004, through on or about

June 20, 2005. On or about July 13, 2004, Moton received \$20,000 in United States currency. The \$20,000 in currency less transaction and bank fees was received in Kurachi, Pakistan on or about July 19, 2004. The transaction log and receipts maintained by IMT failed to enter any receipts in excess of \$10,000 during the period from July 13, 2004, through July 19, 2004. Neither Moton nor anyone on behalf of IMT filed a CTR for this transaction.

10. On or about August 12, 2004, Moton received \$20,000 in United States currency. Moton did not obtain any form of identification from the person who gave him the \$20,000. The \$20,000 in currency less transaction and bank fees was received in Kurachi, Pakistan on or about August 18, 2004. The transaction log and receipts maintained by IMT failed to enter any receipts in excess of \$10,000 during the period from August 12, 2004, through August 18, 2004. Neither Moton nor anyone on behalf of IMT filed a CTR for this transaction.

11. On September 16, 2004, Moton received \$30,000 in United States currency. Moton did not obtain any form of identification from the person who gave him the \$30,000. The currency consisted of \$21,000 dollars in cash and a cashier's check in the amount of \$9,000. The \$30,000 in currency less transaction and bank fees was received in Kurachi, Pakistan on or about October 5, 2004. The transaction log and receipts maintained by IMT failed to enter any receipts in excess of \$10,000

during the period from September 16, 2004, through October 5, 2004. Neither Moton nor anyone on behalf of IMT filed a CTR for this transaction.

12. On March 2, 2005, Moton received \$20,000 in United States currency. Moton did not obtain any form of identification from the person who gave him the \$20,000. The \$20,000 in currency less transaction and bank fees was received in Kurachi, Pakistan on or about March 16, 2005. The transaction log and receipts maintained by IMT failed to enter any receipts in excess of \$10,000 during the period from March 2, 2005, through March 16, 2005. Neither Moton nor anyone on behalf of IMT filed a CTR for this transaction.

13. On May 26, 2005, a person seeking to transfer \$3,000 to Pakistan met with an IMT employee. The employee instructed the sender to send \$2,500 and to come back in a few days to send the remaining \$500. In addition to instructing the person about how to structure the \$3,000 transfer to Pakistan, the employee conducted the financial transaction without using any identification information about the sender such as the sender's date of birth or social security number, thus violating the federal currency transmission requirements and the federal anti-money laundering program requirements.

14. On June 20, 2005, a person seeking to transfer \$3,000 to Pakistan met with an IMT employee. The employee instructed the sender to send \$2,500 and to

come back in a few days to send the remaining \$500. In addition to instructing the person about how to structure the \$3,000 transfer to Pakistan, the employee conducted the financial transaction without using any identification information about the sender such as the sender's date of birth or social security number, thus violating the federal currency transmission requirements and the federal anti-money laundering program requirements.

15. Documents recovered by law enforcement concerning IMT activities confirm that IMT conducted financial transactions, in cash, without reporting those transactions as required by law. In the past year, reporting violations and financial transactions conducted by IMT far exceed the amount of the defendant property.

16. Moton and others agents acting on behalf of IMT knowingly violated the currency reporting requirements of federal law.

17. The defendant property is subject to forfeiture to the United States pursuant to 21 U.S.C. §881, 18 U.S.C. § 981(a), 31 U.S.C. § 5317, and/or 18 U.S.C. § 984.

WHEREFORE, the United States of America prays:

1. Summons issue according to the normal procedure of this Court citing all persons having an interest in the above described defendant currency to appear on the return day of process by filing a claim and answer pursuant to Rule C(6), Supplemental Rules for Certain Admiralty and Maritime Claims, or as ordered by the

Court;

2. That warrant of arrest issue commanding the arrest of the defendant property;

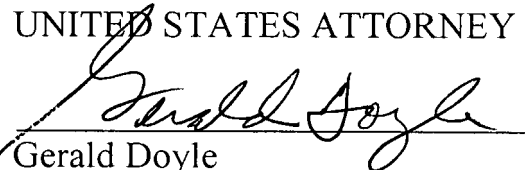
3. That judgment of forfeiture to the United States be decreed against the defendant property; and

4. For costs and such other and further relief to which plaintiff may be entitled.

Respectfully submitted,

CHUCK ROSENBERG
UNITED STATES ATTORNEY

By:



Gerald Doyle

Assistant U.S. Attorney

Admission ID No. 1453

TX SBN 06091500

910 Travis, Suite 1500

P.O. Box 61129

Houston, Texas 77208

Phone: 713-567-9599

Fax: 713-718-3300

VERIFICATION

I, Heather Hanka, am a Special Agent with the United States Immigration and Customs Enforcement. I have read the foregoing Complaint for Forfeiture In Rem. The facts set forth therein are true and correct to the best of my knowledge and belief.

Heather Hanka

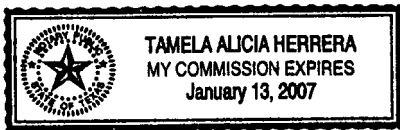
Heather Hanka
Special Agent
U. S. Immigration and Customs Enforcement

Sworn to and subscribed before me, the undersigned authority, on this 18 day of January , 2006.

Tamela Alicia Herrera

Notary Public in and for the State of Texas

My Commission expires: January 13, 2007



CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

DEFENDANTS

\$107,096.00 (ONE HUNDRED SEVEN THOUSAND, NINETY-SIX DOLLARS) IN UNITED STATES CURRENCY

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Gerald Doyle
United States Attorney's Office
P.O. Box 61129, Houston, Texas 77208
(713) 567-9599

Attorneys (If Known)
David Gerger
700 Louisiana St., Suite 2300
Houston, Texas 77002
(713) 224-4400

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED

JAN 18 2006

Michael M. Kirby, Clerk of Court
(Place an "X" in One Box for Plaintiff and One Box for Defendant)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

- | | DEF | DEF |
|---|---|---|
| Citizen of This State | <input type="checkbox"/> 1 <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus: General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

18 U.S.C. 981(a), 31 U.S.C 5317(c) & 18 U.S.C. 984

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S)

(See instructions):

IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

01-18-2006

Gerald Doyle

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE